From: <u>Havard, James</u>
To: <u>Hunter, Christopher</u>

Subject: FW: Watershed Branch Talking Point Date: Friday, March 2, 2018 11:03:20 AM

From: Havard, James

Sent: Monday, November 13, 2017 10:35 AM **To:** Klos, Caroline < Klos.caroline@epa.gov>

Cc: Monschein, Eric <Monschein.Eric@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Yusuf, Istanbul <Yusuf.Istanbul@epa.gov>; Lewicki, Chris <Lewicki.Chris@epa.gov>; Arrigoni, Holly <Arrigoni.Holly@epa.gov>

Subject: Watershed Branch Talking Point

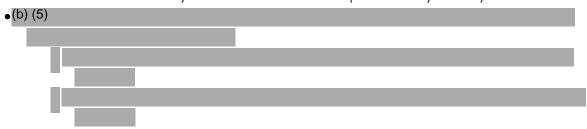
Hi Caroline –

Here's a TP from the WB. Thanks to Chris for drafting.

Thanks Jim

Deschutes River TMDLs

- Northwest Environmental Advocates (NWEA) filed its single-count complaint, on Monday Nov 6th, in the W.D. of Washington (Seattle) court alleging EPA failed to carry out its nondiscretionary duty to approve or disapprove the Deschutes River TMDLs within thirty days after submission by the state.
- R10 received the original TMDL submission package in December 2015 and has not yet taken action.
- The state made a supplemental submission in July 2017 that arguably include new load calculations for some of the TMDLs. R10 has not acted on that either.
- EPA's answer is due 60 days after service of the complaint early January 2018.



• We will be scheduling briefings for OW to discuss R10, OWOW and OGC's recommendations for which TMDLs to approve and disapprove.

Background

• EPA received NWEA's notice of intent to sue on August 25, 2017.

